

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: BLOOD REAGENTS ANTITRUST LITIGATION	: : : : :	MDL No. 09-2081 ALL CASES
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ORDER

AND NOW, this 23rd day of December, 2009, upon consideration of the following

Motions:

1. Motion for Entry of Proposed Case Management Order No. 1 by Plaintiffs
Schuylkill Medical Center - East Norwegian Street, Schuylkill Medical Center -
South Jackson Street, Seneca Medical Lab, Inc., F. Baragaño Pharmaceuticals,
Inc., Highlands Hospital, St. Barnabas Hospital, Inc., Comprehensive Health Care
of Ohio, Inc. d/b/a EMH Regional Healthcare System, Health Network
Laboratories, L.P., and Community Medical Center Healthcare System (Docket
No. 09-cv-2491) (Document No. 26, filed September. 25, 2009), and the related
submissions of the parties;
2. Motion of Plaintiffs St. Nicholas Hospital, St. Mary's Hospital (Decatur), St.
Elizabeth's Hospital, St. Joseph's Hospital (Breese), St. Joseph's Hospital
(Highland), St. John's Hospital, St. Anthony's Memorial Hospital, St. Francis
Hospital, St. Mary's Hospital (Streator), St. Vincent's Hospital, St. Mary's
Hospital Medical Center (Green Bay), Sacred Heart Hospital and St. Joseph's
Hospital (Chippewa Falls) for Appointment of Carey & Danis, LLC and Holland,
Groves, Schneller & Stolze, LLC as Interim Co-Lead Counsel and Boni & Zack

LLC as Interim Liaison Counsel (Docket No. 09-MD-2081) (Document No. 3, filed Oct. 2, 2009), and the related submissions of the parties;

3. Motion of Spector Roseman Kodroff & Willis, P.C. to be Appointed Interim Class Counsel for Plaintiffs (Docket No. 09-MD-2081) (Document No. 8, filed October 22, 2009), and the related submissions of the parties,

IT IS ORDERED as follows:

1. Motion of Spector Roseman Kodroff & Willis, P.C. to be Appointed Interim Class Counsel for Plaintiffs is **GRANTED** pursuant to Federal Rule of Civil Procedure 23(g)(3), and Spector Roseman Kodroff & Willis, P.C., are **APPOINTED** Interim Lead Class Counsel with all of the responsibilities described in Exhibit A. The decision of the Court is based on the work counsel has done in identifying and investigating potential claims in this action, counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action, counsel's knowledge of the applicable law, and the resources counsel has agreed to commit in representing the class;

2. Motion for Entry of Proposed Case Management Order No. 1 by Plaintiffs Schuylkill Medical Center - East Norwegian Street, Schuylkill Medical Center - South Jackson Street, Seneca Medical Lab, Inc., F. Baragaño Pharmaceuticals, Inc., Highlands Hospital, St. Barnabas Hospital, Inc., Comprehensive Health Care of Ohio, Inc. d/b/a EMH Regional Healthcare System, Health Network Laboratories, L.P., and Community Medical Center Healthcare System (Docket No. 09-cv-2491) (Document No. 26) is **DENIED**; and,

3. Motion of Plaintiffs St. Nicholas Hospital, St. Mary's Hospital(Decatur), St. Elizabeth's Hospital, St. Joseph's Hospital (Breese), St. Joseph's Hospital (Highland), St. John's

Hospital, St. Anthony's Memorial Hospital, St. Francis Hospital, St. Mary's Hospital (Streator), St. Vincent's Hospital, St. Mary's Hospital Medical Center (Green Bay), Sacred Heart Hospital and St. Joseph's Hospital (Chippewa Falls) for Appointment of Carey & Danis, LLC and Holland, Groves, Schneller & Stolze, LLC as Interim Co-Lead Counsel and Boni & Zack LLC as Interim Liaison Counsel (Docket No. 09-MD-2081) (Document No. 3) is **DENIED**.

BY THE COURT:

/s/ Jan E. DuBois
JAN E. DUBOIS, J.

EXHIBIT “A”

1. Plaintiffs’ Interim Lead Class Counsel. Plaintiffs’ Interim Lead Class Counsel shall be generally responsible for coordinating the activities of plaintiffs during pretrial proceedings and shall:

- a. coordinate to the extent possible the activities undertaken in the cases;
- b. determine (after such consultation with co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings;
- c. coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed.R.Civ.P. 26(b)(1) and (2), and (g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;
- d. conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;
- e. delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for the plaintiffs is conducted effectively, efficiently and economically;
- f. enter into stipulations, with opposing counsel, necessary for the conduct of the litigation;
- g. prepare and distribute to the parties periodic status reports;
- h. participate in status conferences with the Court;
- i. monitor the activities of other counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
- j. maintain adequate time and disbursement records covering services as Interim Lead Class Counsel;
- k. perform such other duties as may be incidental to proper coordination of plaintiffs pretrial activities or authorized by further order of the Court.

1. Counsel for plaintiffs who disagree with Interim Lead Class Counsel (or those acting on behalf of Interim Lead Class Counsel) or who have individual or divergent positions may present written and oral arguments, conduct examinations of deponents, and otherwise act separately on behalf of their client(s) as appropriate, provided that in doing so they do not repeat arguments, questions, or actions of Interim Lead Class Counsel.